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February 14, 2024

VIA ECF

The Honorable Joseph A. Marutollo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Mulgrew v. U.S. Dep't of Transp.*, No. 24 Civ. 00081 (DG) (JAM)

Dear Judge Marutollo:

We write on behalf of Defendants Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority (collectively, "MTA Defendants") with respect to the initial conference scheduled in the above-referenced matter for February 16, 2024. *See* ECF 4. We wanted to let Your Honor know that the MTA Defendants have agreed with Plaintiffs to transfer this action to the Southern District of New York. As a result, we are not sure that it makes sense for the initial conference to go forward as scheduled on Friday.

As mentioned in the MTA Defendants' letter requesting a pre-motion conference on their anticipated motion to dismiss the complaint (ECF 30 at 1), the MTA Defendants planned to move to transfer venue from this District to the Southern District of New York, where two related actions are pending before Judge Lewis J. Liman. *See Chan v. U.S. Dep't of Transp.*, No. 23 Civ. 10365 (S.D.N.Y.); *New Yorkers Against Congestion Pricing Tax v. U.S. Dep't of Transp.*, No. 24 Civ. 367 (S.D.N.Y.). Following a conference before Judge Liman this past Monday where the issue of transfer was discussed, Plaintiffs' counsel provided notice yesterday evening that they consent to transferring this action to the Southern District. Defendants New York State Department of Transportation and New York City Department of Transportation also consent to the transfer. Defendants United States Department of Transportation, Federal Highway Administration ("FHWA"), FHWA Administrator Shailen Bhatt, and FHWA New York Division Administrator Richard J. Marquis take no position.

An appropriate stipulation regarding this agreement to transfer this action to the Southern District will be filed shortly. Plaintiffs' counsel has requested that we inquire as to whether Plaintiffs' responsive pre-motion conference letters will be held in abeyance pending the stipulation being so ordered by the Court.

Respectfully submitted,



Roberta A. Kaplan

cc: Judge Lewis J. Liman